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September 27, 2024

By Email

Hon. Freda L. Wolfson
Lowenstein Sandler LLP
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Roseland, NJ 07068

**CONTAINS INFORMATION MARKED AS AEO/CONFIDENTIAL
UNDER THE DISCOVERY CONFIDENTIALITY ORDER**

**Re: Motion to Compel SaveOnSP to Produce Documents
Responsive to JJHCS's Request Nos. 126, 127, and 129
*Johnson & Johnson Health Care Systems Inc. v. Save On SP, LLC,
Civil Action No. 22-2632 (JKS) (CLW)***

Dear Judge Wolfson:

On behalf of JJHCS, we move to compel SaveOnSP to produce documents responsive to JJHCS's Request Nos. 126 and 127 (the "Personnel File Requests"), as well as JJHCS's Request No. 129 (the "Monthly Sales Team Request").

The parties' dispute here is not about burden. It is only about relevance. But both the Personnel File Requests and the Monthly Sales Team Request seek documents that are squarely relevant. The Personnel File Requests target the personnel files of the four SaveOnSP employees (Ayesha Zulqarnain, Alissa Langley, Kelsey Leger, and Jessica Johnson) that SaveOnSP has identified as direct participants in its efforts to deceive drug manufacturers. JJHCS would like to know if these employees received plaudits, such as kudos in performance reviews or bonuses in

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cash, for their work to deceive JJHCS and other manufacturers. The Monthly Sales Team Request, meanwhile, calls for SaveOnSP to run a single search term related to meetings at which SaveOnSP and Express Scripts executives made important decisions about the SaveOnSP scheme. The Court should order SaveOnSP to produce documents in both categories.

I. Personnel File Requests (Request Nos. 126 and 127)

Request No. 126 seeks “[p]ersonnel or human resources files, including performance evaluations or performance reviews” for four employees: Ayesha Zulqarnain, Alissa Langley, Kelsey Leger, and Jessica Johnson. Request No. 127 seeks “documents sufficient to show any promotions or demotions, compensation, compensation changes, bonuses, or disciplinary action” concerning the same four employees.

A. The Employees Deceive Drug Manufacturers to Help SaveOnSP Eave Detection and Controls

SaveOnSP admits that the four employees at issue routinely lied about their identities and affiliations when communicating with pharmaceutical manufacturers. They did this to help SaveOnSP defeat manufacturer attempts to eliminate SaveOnSP misappropriation. JJHCS has already presented extensive evidence of this misconduct to the Court, *see* Dkt. No. 358-14, but as discovery has progressed, the full scope of the deceptive efforts by these four SaveOnSP employees has become increasingly clear.

For example, at her deposition, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] *See* Ex. 1 (Nov. 10, 2023 Dep. of Ayesha Zulqarnain) at 169:20–170:21, 185:2–

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186:5 [REDACTED] *id.* at 114:18–116:12, 149:8–23, and 179:7–17 [REDACTED] *id.* at

79:19–80:11, 107:5–25, 173:25–174:17 [REDACTED] Zulqarnain also testified
that [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] *See id.* at 77:4–6.

[REDACTED]

[REDACTED]

[REDACTED] Ex. 2 (Apr. 24, 2024 Supplemental Interrogatory Responses) at 6–7. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] *Id.* SaveOnSP documents tell the same
story. For instance, [REDACTED]

[REDACTED] Ex. 3 (SOSP_2158522) at SOSP_2158522.0002.

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Id. at SOSP_2158522.0002–.0003. [REDACTED] *Id.* at SOSP_2158522.0004. [REDACTED]

[REDACTED] *Id.*

[REDACTED]

[REDACTED] Ex. 4 (SOSP_1145947) at –947. This [REDACTED] likely involved the use of false identities or other forms of manufacturer deception. In addition to [REDACTED]

[REDACTED]

[REDACTED] Ex. 2 (Apr. 24, 2024 Supplemental Interrogatory Responses) at 6.

Similarly, documents produced by SaveOnSP indicate that these four employees frequently deceived pharmaceutical manufacturers by using false information to enroll in copay assistance programs. For example, [REDACTED]

[REDACTED] Ex. 5
(SOSP_2321154) at –155. [REDACTED] Ex. 6

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(SOSP_2359445) at -445 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Ex. 7 (SOSP_1068642) at -643. [REDACTED]

[REDACTED] Ex. 8 (SOSP_1145972) at -972 [REDACTED]

B. These Four Employees' Personnel Files Should Be Produced

In light of the foregoing evidence, JJHCS served the Personnel File requests to explore whether these employees' misconduct was sanctioned or tolerated by senior SaveOnSP leadership. SaveOnSP objected to the Personnel File Requests as irrelevant. Ex. 9 (SaveOnSP's Responses and Objections to JJHCS's Thirteenth Set of RFPs) at 6. After weeks of conferral, SaveOnSP stood behind its relevance objection to the requests, forcing JJHCS to file this motion. Ex. 10 (Aug. 23, 2024 Ltr. from M. Nussbaum to I. Eppler) at 2. Yet the documents JJHCS seeks are squarely relevant to how senior SaveOnSP leadership responded to these employees' efforts to deceive pharmaceutical manufacturers. JJHCS expects their Personnel Files will show that their performances were encouraged and rewarded, potentially including through performance evaluations, promotions, raises, bonuses, or some sort of other reward. JJHCS further expects that

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their Personnel Files will show that they were never disciplined, cautioned, or warned against engaging in this conduct. All of this is relevant and discoverable.

SaveOnSP claims that the personnel files are irrelevant because it has “reviewed the files and represent[s] that they do not contain any information regarding attempts to deceive or evade detection by manufacturers.” Ex. 10 (Aug. 23, 2024 Ltr. from M. Nussbaum to I. Eppler). But even if the personnel files do not expressly talk about manufacturer deception, they could show that these employees received positive performance evaluations, bonuses, or other incentives. Alternatively, the files may show that these employees were never disciplined at all for their deceptive behavior. This would be just as damning, since the misconduct at issue was widely known—and, indeed, formed a core part of these employees’ roles. *See SOSP_2342687 at 8:30*

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

¹

Indeed, at times, senior SaveOnSP executives directly oversaw this strategy of deception. *See Ex. 11 (SOSP_1114963) at -963* [REDACTED]

[REDACTED]

[REDACTED]; Ex. 1 (Nov. 10, 2023 Dep. of Ayesha Zulqarnain) at 77:4–6 [REDACTED]

¹ Because of the format and file size of this native recording, JJHCS has not included it as an exhibit, but has identified it by Bates number so that SaveOnSP is able to review the cited material. If Your Honor wishes to review the recording, JJHCS will be happy to provide it through an FTP transfer or to arrange for a transcription.

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Praise for their job performances, or even an absence of disciplinary action, would support JJHCS's claims that senior SaveOnSP executives were aware of the deception and tacitly endorsed it. If SaveOnSP wishes to argue that these employees' positive performance evaluations or bonuses were unrelated to their core job functions involving manufacturer deception, it can present that argument to the jury. That is not a reason for refusing to produce the Personnel Files.

Finally, SaveOnSP cannot argue undue burden. It claims to have already collected the documents necessary to satisfy the Requests (presumably from its central files) and says it has already reviewed them. Ex. 10 (Aug. 23, 2024 Ltr. from M. Nussbaum to I. Eppler) at 2. All that remains is for SaveOnSP to produce them.

II. Monthly Sales Team Request (Request No. 129)

Request No. 129 seeks documents "concerning the Monthly Sales Team Discussion and its meetings . . . including all participant lists, associated emails, preparatory materials, research, agendas, meeting minutes, and calendar invitations." Ex. 9 (SaveOnSP's Responses and Objections to JJHCS's Thirteenth Set of RFPs) at 7.

A. Monthly Sales Team Discussions Address Relevant Issues

JJHCS's Complaint alleges that SaveOnSP collaborates with Express Scripts to market and sell the SaveOnSP program to payers, and to induce patients to enroll in it. Compl. ¶ 51.² It appears that important aspects of this collaboration took place during "Monthly Sales Team

² In the Proposed Amended Complaint, JJHCS further alleges that SaveOnSP and Express Scripts "collaborate to develop joint marketing materials and outreach communications to plans and patients" and "discuss and analyze potential strategies to utilize in marketing, messaging, and sales efforts." PAC ¶¶ 71, 73.

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Discussions" [REDACTED]

[REDACTED] *See, e.g.*, Ex. 12 (SOSP_0303040) at -042. SaveOnSP has produced over a hundred documents that include the phrase "Monthly Sales Team Discussion," but many of those documents provide only high-level descriptions of what was discussed at these meetings. *See, e.g.*, Ex. 13 (SOSP_0307321) at -322 [REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]; Ex. 12 (SOSP_0303040) at -043 (same).

Nonetheless, from the handful of documents that SaveOnSP has produced, it is clear that the Monthly Sales Team Discussion included relevant topics and that the team memorialized those discussions in meeting agendas and related correspondence. For example, SaveOnSP has produced documents regarding [REDACTED]

was handled over email rather than on a live call, meaning that the full scope of the discussion was captured in writing. Ex. 14 (SOSP_1111776). [REDACTED]

[REDACTED]
[REDACTED]

[REDACTED] *Id.* at -778. [REDACTED]

[REDACTED] Ex. 15

(SOSP_2277821) at -821. As another example, SaveOnSP has produced a set of meeting notes from a July 2021 Monthly Sales Team Discussion. Ex. 16 (SOSP_0465403). [REDACTED]

[REDACTED]
[REDACTED] *Id.* [REDACTED]

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[REDACTED]

[REDACTED] Ex. 17 (SOSP_0694247).

B. SaveOnSP Should Review and Produce Documents Hitting Upon a Narrow and Targeted Search Term Regarding Monthly Sales Meetings

JJHCS served this request because documents related to the Monthly Sales Team Discussion meetings are relevant to central issues—such as coordination between SaveOnSP and Express Scripts, SaveOnSP’s deception of drug manufacturers, and SaveOnSP’s responses to mitigation efforts by manufacturers—and SaveOnSP has produced only a handful of documents about them. But SaveOnSP refused to search and produce documents relating to these meetings, on the ground that its existing search terms already capture any meetings where relevant topics were discussed. Ex. 10 (Aug. 23, 2024 Ltr. from M. Nussbaum to I. Eppler) at 2. That objection does not hold up.

The existing searches to which SaveOnSP refers were not designed to identify or produce documents reflecting these important meetings with SaveOnSP and Express Scripts. Some relevant documents no doubt happened to be captured, but SaveOnSP can hardly pretend that all documents reflecting the content of these meetings have been produced. As noted above, SaveOnSP has produced only a handful of documents containing meeting notes and minutes from the Monthly Sales Team Discussions.

Moreover, SaveOnSP has not agreed to run any search terms that include key words like “minutes” or “notes” that would likely capture documents memorializing the Monthly Sales Team Discussions. Ex. 18 (Aug. 1, 2024 Ltr. from M. Nelson to J. Long). And SaveOnSP has only run other key words like “call” or “meeting” in the context of a handful of narrow search terms

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designed to capture documents about manufacturer deception and other, unrelated meetings. *Id.* at 6, 7, 10. These terms would not capture documents about the Monthly Sales Team Discussion. JJHCS served Request No. 129 to fill in that blank.

The only way to identify responsive documents is through a targeted search, and JJHCS's proposed search term is as narrow as it can possibly be to capture these materials. JJHCS asked SaveOnSP to run the following search:

(“Monthly Sales” OR (monthly w/10 (ESI or “Express Scripts”))) w/25 (discussion OR meet* OR conversation OR call OR notes OR minutes)

Ex. 19 (Jul. 24, 2024 Email from I. Eppler to M. Nussbaum). SaveOnSP would only need to review documents hitting on the phrase “Monthly Sales” or the word “monthly” in close proximity to “ESI” or “Express Scripts” *if* those phrases were also in close proximity to variations of “meet[ing]” or “call.” These documents are highly likely to be relevant—SaveOnSP works with Express Scripts on the program at issue. And because JJHCS crafted this term to be as narrow as possible, it returned only 927 additional documents in SaveOnSP’s files. Ex. 20 (Aug. 6, 2024 Email from M. Nussbaum to I. Eppler). SaveOnSP does not, and cannot, claim that reviewing such a small number of relevant documents is unduly burdensome.

CONCLUSION

For the foregoing reasons, Your Honor should compel SaveOnSP to produce documents to JJHCS’s Request Nos. 126, 127, and 129.

Respectfully submitted,

s/ Jeffrey J. Greenbaum
JEFFREY J. GREENBAUM

cc: Counsel of record for SaveOnSP

**MOTION TO COMPEL
RFPS 126, 127 & 129**

EXHIBIT 1

FILED UNDER PERMANENT SEAL

Exhibit 2

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

JOHNSON & JOHNSON HEALTH CARE
SYSTEMS INC.,

Plaintiff,

v.

SAVE ON SP, LLC,

Defendant.

Civil Action No. 22-2632 (JKS) (CLW)

**DEFENDANT'S SUPPLEMENTAL
RESPONSES AND OBJECTIONS TO
PLAINTIFF'S INTERROGATORIES**

To: Jeffrey J. Greenbaum, Esq.
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*Attorneys for Plaintiff Johnson & Johnson
Health Care Systems Inc.*

Pursuant to Federal Rules of Civil Procedure 26 and 33, and Local Civil Rule 33.1, Defendant Save On SP, LLC (“SaveOnSP”), by and through its undersigned counsel, hereby supplements its Responses and Objections to Plaintiff Johnson & Johnson Health Care Systems Inc.’s (“JJHCS”) Interrogatory Nos. 2, 17, 18 and 20, contained in SaveOnSP’s previously-served Responses and Objections. These responses should be deemed to supplement and amend SaveOnSP’s disclosures under Rule 26(a) of the Federal Rules of Civil Procedure. If SaveOnSP learns that in some material respect its responses are incomplete or incorrect, SaveOnSP will supplement or correct them if the additional or corrective information has not otherwise been made known to JJHCS during the discovery process or in writing. Fed. R. Civ. P. 26(e)(1)(A). SaveOnSP’s responses to these Interrogatories are based on information available to it at the time it made them. SaveOnSP reserves the right to modify or supplement its responses.

GENERAL OBJECTIONS

1. JJHCS does not limit any of its Interrogatories to nonprivileged material. SaveOnSP objects to each Interrogatory to the extent that it seeks a disclosure of information which is subject to the attorney-client privilege, the work product doctrine, the common-interest privilege, or any other applicable privileges, immunities, or doctrines.

2. JJHCS does not limit any of its Interrogatories to information withing SaveOnSP's possession, custody, or control. SaveOnSP objects to each Interrogatory to the extent that it seeks disclosure of information that is not within SaveOnSP's possession, custody, or control that SaveOnSP can locate after a reasonable inquiry.

OBJECTIONS TO DEFINITIONS

3. SaveOnSP objects to the definition of "SaveOnSP" as including attorneys and accountants who may be outside of SaveOnSP's possession, custody, and control. SaveOnSP interprets the term "SaveOnSP" to mean SaveOnSP, LLC, and any and all predecessors and successors in interest, assignees, parents, subsidiaries, affiliates, divisions or departments, agents, representatives, directors, officers, employees, committees, and all persons or entities acting or purporting to act on behalf or under the control of SaveOnSP, LLC.

4. SaveOnSP objects to the definition of "SaveOnSP Program," as described in Complaint ¶¶ 9-17, because it mischaracterizes SaveOnSP's services. SaveOnSP will not use this definition.

5. SaveOnSP objects to the definition of "You" and "Your" to the same extent that it objects to the definition of "SaveOnSP."

6. SaveOnSP objects to the term "or other substance" in the definition of "Pharmaceutical Manufacturer" as vague and ambiguous. SaveOnSP will interpret the term "Pharmaceutical Manufacturer" to mean any entity that develops, produces, manufactures, creates, licenses, or distributes any pharmaceutical, drug, or medicine used in the treatment, cure, prevention or diagnosis of any illness, disease, disorder, or other condition.

Dated: April 24, 2023

By: /s/ E. Evans Wohlforth, Jr.
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Attorneys for Defendant Save On SP, LLC

**SUPPLEMENTAL RESPONSES TO PLAINTIFF'S INTERROGATORY NOS. 2, 17, 18,
AND 20**

INTERROGATORY NO. 2:

Describe, in as much detail as possible, Your involvement in the creation and use of the presentation found at <https://vimeo.com/513414094> (hereinafter, SaveOnSP IPBC Video) as discussed in the Complaint (see, e.g., Compl. ¶¶ 9–11, 53–56).

RESPONSE:

A series of 15 horizontal black bars of varying lengths, decreasing in size from top to bottom. The bars are evenly spaced and extend across the width of the frame.

SaveOnSP designates its response to this Interrogatory as Confidential under the Discovery Confidentiality Order, so-ordered November 22, 2022, ECF No. 62.

INTERROGATORY NO. 17:

Describe, in as much detail as possible, all measures that You have utilized to prevent any Pharmaceutical Manufacturer or manufacturers from being able to identify Your employees or representatives as being affiliated with SaveOnSP, or to make it more difficult for them to do so.

RESPONSE:

A series of 18 horizontal black bars of varying lengths, arranged vertically. The bars are positioned at regular intervals, with some being longer than others, creating a visual pattern of alternating lengths.

A series of 12 horizontal black bars of varying lengths, arranged vertically. The bars are positioned at regular intervals, with some being significantly longer than others, creating a visual pattern of varying lengths.

SaveOnSP designates its response to this Interrogatory as Attorneys' Eyes Only under the Discovery Confidentiality Order, so-ordered November 22, 2022, ECF No. 62.

INTERROGATORY NO. 18:

Describe, in as much detail as possible, all measures that You have utilized to prevent Your current or former employees from communicating with JJHCS or others with regard to Save-OnSP's conduct at issue in this lawsuit, or to make it more difficult for them to do so.

RESPONSE:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

A series of 15 horizontal black bars of varying lengths, arranged vertically. The bars are positioned at different heights, with some being near the top and others near the bottom of the frame. The lengths of the bars also vary, with some being relatively short and others being longer.

SaveOnSP designates its response to this Interrogatory as Confidential under the Discovery Confidentiality Order, so-ordered November, 22, 2022, ECF No. 62.

INTERROGATORY NO. 20:

Describe, in as much detail as possible, each instance where and all circumstances under which You have instructed Your representatives or employees to lie to, mislead, or deceive Pharmaceutical Manufacturers including with regard to their affiliation with SaveOnSP.

RESPONSE:

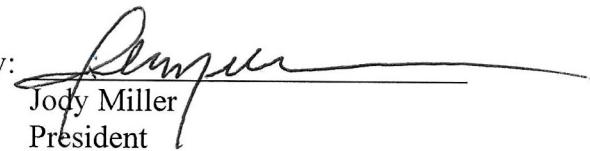
A series of 20 horizontal black bars of varying lengths, arranged vertically. The bars are of different widths, with some being very narrow and others being very wide, creating a visual pattern of varying lengths.

SaveOnSP designates its response to this Interrogatory as Attorneys' Eyes Only under the Discovery Confidentiality Order, so-ordered November 22, 2022, ECF No. 62.

CERTIFICATION OF SAVE ON SP, LLC

I, Jody Miller, am the President of Save On SP, LLC ("SaveOnSP"). I am authorized to submit this certification on behalf of SaveOnSP. I certify that the foregoing answers made by me to these Interrogatories are true. I am aware that if any of the foregoing answers are willfully false, SaveOnSP and I are subject to punishment. I certify that in responding to the foregoing Interrogatories, I have furnished all information available to SaveOnSP, its agents, employees and attorneys. As to those answers which are not within my personal knowledge, I certify that I have provided the name and address of every person from whom such information was received or, where the source of such information is documentary, a full description of the document including its location.

Save On SP, LLC

By: 
Jody Miller
President

Date: April 23, 2024

**MOTION TO COMPEL
RFPS 126, 127 & 129**

EXHIBITS 3-8

FILED UNDER PERMANENT SEAL

Exhibit 9

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

JOHNSON & JOHNSON HEALTH CARE
SYSTEMS INC.,

Plaintiff,

v.

SAVE ON SP, LLC,

Defendant.

Civil Action No. 22-2632 (JKS) (CLW)

**DEFENDANT'S RESPONSES AND
OBJECTIONS TO PLAINTIFF'S
THIRTEENTH SET OF REQUESTS
FOR PRODUCTION OF DOCUMENTS**

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*Attorneys for Plaintiff Johnson & Johnson
Health Care Systems Inc.*

Pursuant to Federal Rule of Civil Procedure 34, Defendant Save On SP, LLC (“SaveOnSP”), by and through its undersigned counsel, responds and objects to Plaintiff Johnson & Johnson Health Care Systems Inc.’s (“JJHCS”) Thirteenth Set of Requests for Production, dated June 14, 2024 (the “Requests”). If SaveOnSP learns that in some material respect its responses are incomplete or incorrect, SaveOnSP will correct them if the additional or corrective information has not otherwise been made known to JJHCS during the discovery process or in writing. Fed. R. Civ. P. 26(e)(1)(A).

OBJECTIONS TO DEFINITIONS

1. SaveOnSP objects to the definition of the term “Anti-Steering Law” because the referenced glossary does not include a definition of the term. SaveOnSP instead interprets the term to mean a state law that prohibits pharmacy benefit managers from requiring health plan enrollees to fill prescriptions at one specified pharmacy.

2. SaveOnSP objects to the definition of the term “Any Willing Provider Law” because the referenced text buries the definition in a sentence providing opinion. SaveOn instead interprets this term to mean a state law that prohibits pharmacy benefit managers from excluding from their network any health care provider that is willing to accept the terms and conditions for inclusion into that network.

3. SaveOnSP objects to the definition of the term “SaveOnSP” as including attorneys and accountants who may be outside of SaveOnSP’s possession, custody, and control. SaveOnSP interprets the term “SaveOnSP” to mean SaveOnSP, and any and all predecessors and successors in interest, assignees, parents, subsidiaries, affiliates, divisions or departments, agents, representatives, directors, officers, employees, committees, and all persons or entities acting or purporting to act on behalf or under the control of SaveOnSP.

4. SaveOnSP objects to the definition of “SaveOnSP Program,” as described in Complaint ¶¶ 9-17 and ¶¶ 50-88, because it mischaracterizes SaveOnSP’s services. SaveOnSP will not use this definition. SaveOnSP instead interprets this term to mean the services that it provides to health plans.

5. SaveOnSP objects to the definition of “SaveOnSP Services” to the same extent that it objects to the definition of “SaveOnSP Program.” SaveOnSP instead interprets this term to mean the services that it provides to health plans.

6. SaveOnSP objects to the definition of “You” and “Your” to the same extent that it objects to the definition of “SaveOnSP.”

OBJECTIONS TO INSTRUCTIONS

7. SaveOnSP objects to Instruction No. 39¹ to the extent that JJHCS attempts to impose requirements on SaveOnSP beyond those required by the Federal Rules of Civil Procedure, agreed to by the parties, or ordered by the Court.

¹ JJHCS served two versions of its Thirteenth Set of Requests for Production to correct a scrivener’s error. In the second version, the numbering in its “Definitions and Instructions” section began with Paragraph 25. *See* June 17, 2024 JJHCS’s Thirteenth Set of Requests for Production. SaveOnSP adopts the numbering from that version of the document.

8. SaveOnSP objects to Instruction No. 41 to the extent that it asks SaveOnSP to produce Documents and Communications outside of its possession, custody, and control or asks SaveOnSP to provide information beyond that which SaveOnSP can identify after a reasonable search. SaveOnSP will produce relevant, non-privileged documents within its possession, custody, or control that it can identify after a reasonable search.

9. SaveOnSP objects to Instruction No. 43 to the extent that JJHCS attempts to impose requirements on SaveOnSP beyond those required by the Federal Rules of Civil Procedure, agreed to by the parties, or ordered by the Court.

SPECIFIC RESPONSES AND OBJECTIONS

REQUEST NO. 123: Documents sufficient to show all final contracts—including work orders, statements of work, change orders, or service agreements—between SaveOnSP and any third-party individual or entity involved in the provision, administration, management, design, and marketing of SaveOnSP Services, including but not limited to:

- a. AlignRx Consulting;
- b. Arthur Gallagher & Co.;
- c. David Chelus;
- d. EJR Consulting;
- e. Eversana;
- f. Dane Hartung;
- g. Keenan & Associates;
- h. NFP;
- i. Emily Reckinger;
- j. RemedyOne;
- k. RxBenefits LLC;
- l. Sapere Health Solutions;
- m. Triplefin;
- n. Willis Towers Watson.

RESPONSE: SaveOnSP objects to this Request to the extent it seeks documents that are irrelevant to the claims or defenses in this action.

SaveOnSP objects to this Request as not proportional to the needs of the case. The burden and expense of producing all contracts with any third-party individuals or entities outweighs any marginal relevance of the material requested.

Subject to the foregoing objections, SaveOnSP will produce documents sufficient to show final contracts between SaveOnSP and the entities set forth in Request Nos. 123(a)-(n) that can be identified after a reasonable search.

REQUEST NO. 124: All Documents and Communications concerning adaptations to the SaveOnSP Program undertaken for the purpose of complying with any state's Any Willing Provider Law or any state's Anti-Steering Law, including all Documents and Communications related to SaveOnSP's use of the "Specialty Precision" or "Precision Specialty" pharmacy network. *See Express_Scripts_1350_00015045.*

RESPONSE: SaveOnSP objects to this Request as seeking documents that are irrelevant to the claims or defenses in this action.

SaveOnSP objects to this Request as not proportional to the needs of the case. The burden and expense of producing all such documents outweighs any marginal relevance of the material requested.

SaveOnSP objects to this Request to the extent that it seeks documents outside of its possession, custody, or control.

SaveOnSP will not produce documents in response to this Request.

REQUEST NO. 125: From June 1, 2023 to the present, all Documents and Communications related to efforts by Express Scripts and/or Accredo to market private-label biosimilar drugs, including Documents and Communications related to the potential impact of these efforts on SaveOnSP's business. *See David Wainer, Coming to a CVS Near You: A Store Brand Monoclonal Antibody, Wall St. J., Apr. 29, 2024, <https://www.wsj.com/health/pharma/cvsbiosimilar-drugs-production-08227182>.*

RESPONSE: SaveOnSP objects to this Request as seeking documents that are irrelevant to the claims or defenses in this action.

SaveOnSP objects to this Request, to the extent that it seeks documents created outside the Relevant Time Period, as unduly burdensome.

SaveOnSP objects to this Request as not proportional to the needs of the case. The burden and expense of producing all such documents outweighs any marginal relevance of the material requested.

SaveOnSP objects to this Request to the extent that it seeks documents outside of its possession, custody, or control.

SaveOnSP will not produce documents in response to this Request.

REQUEST NO. 126: Personnel or human resources files, including performance evaluations or performance reviews, for the following individuals. *See SOSP_0425522.*

- a. Ayesha Zulqarnain;
- b. Alissa Langley;
- c. Kelsey Leger;
- d. Jessica Johnson.

RESPONSE: SaveOnSP objects to this Request as seeking documents that are irrelevant to the claims or defenses in this action.

SaveOnSP objects to this Request as not proportional to the needs of the case. The burden and expense of producing all such documents outweighs any marginal relevance of the material requested.

SaveOnSP will not produce documents in response to this Request.

REQUEST NO. 127: For the following individuals, documents sufficient to show any promotions or demotions, compensation, compensation changes, bonuses, or disciplinary action. *See SOSP_0425522.*

- a. Ayesha Zulqarnain;
- b. Alissa Langley;
- c. Kelsey Leger;
- d. Jessica Johnson.

RESPONSE: SaveOnSP objects to this Request as seeking documents that are irrelevant to the claims or defenses in this action.

SaveOnSP objects to this Request as not proportional to the needs of the case. The burden and expense of producing all such documents outweighs any marginal relevance of the material requested.

SaveOnSP will not produce documents in response to this Request.

REQUEST NO. 128: All Documents and Communications concerning the Enterprise Steering Committee and its meetings (as referenced in, *e.g.*, SOSP_0852391; SOSP_0852410; SOSP_0852416), including all participant lists, associated emails, preparatory materials, research, agendas, meeting minutes, and calendar invitations.

RESPONSE: SaveOnSP objects to this Request as seeking documents that are irrelevant to the claims or defenses in this action.

SaveOnSP objects to this Request as not proportional to the needs of the case. The burden and expense of producing all such documents outweighs any marginal relevance of the material requested.

SaveOnSP has already produced documents and communications related to this committee to the extent they relate to relevant topics. *See, e.g.*, SOSP_1115111, SOSP_0852598, SOSP_0852441. SaveOnSP will not produce further documents in response to this Request.

REQUEST NO. 129: All Documents and Communications concerning the Monthly Sales Team Discussion and its meetings (as referenced in, *e.g.*, SOSP_0303040; SOSP_0320251; SOSP_0473645), including all participant lists, associated emails, preparatory materials, research, agendas, meeting minutes, and calendar invitations.

RESPONSE: SaveOnSP objects to this Request as seeking documents that are irrelevant to the claims or defenses in this action.

SaveOnSP objects to this Request as not proportional to the needs of the case. The burden and expense of producing all such documents outweighs any marginal relevance of the material requested.

SaveOnSP objects to this Request to the extent that it seeks documents outside of its possession, custody, or control.

SaveOnSP has already produced documents and communications related to this committee to the extent they relate to relevant topics. *See, e.g.*, SOSP_0318738, SOSP_0320052, SOSP_0597311. SaveOnSP will not produce further documents in response to this Request.

REQUEST NO. 130: All recordings of any telephone call with any pharmaceutical manufacturer, or any employee or agent of any pharmaceutical manufacturer, that Ayesha Zulqarnain “ha[d] . . . recorded,” as described in SOSP_2158587.

RESPONSE: SaveOnSP objects to this Request to the extent that it seeks documents outside of its possession, custody, or control.

SaveOnSP will not produce documents in response to this Request.

Dated: July 15, 2024

By: /s/

E. Evans Wohlforth, Jr.
E. Evans Wohlforth, Jr.
ROBINSON & COLE LLP
666 Third Avenue, 20th Floor
New York, NY 10174
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Attorneys for Defendant Save On SP, LLC

Exhibit 10

Selendy Gay PLLC
1290 Avenue of the Americas
New York NY 10104
212.390.9000

51613

File 01/03/25

Selendy|Gay

Matthew Nussbaum
Associate
212 390 9062
mnussbaum@selendygay.com

August 23, 2024

Via E-mail

Ian Eppler
Patterson Belknap Webb & Tyler LLP
1133 Avenue of the Americas
New York, NY 10036
ieppler@pbwt.com

Re: Johnson & Johnson Health Care Systems Inc. v. Save On SP, LLC (Case No. 2:22-cv-02632-JKS-CLW)

Dear Ian,

We write in response to your August 9, 2024 letter regarding J&J's Thirteenth Requests for Production.

Request No. 124. During our July 23, 2024 meet-and-confer, we asked you to explain the relevance of this Request, which seeks documents related to "adaptations to the SaveOnSP Program undertaken for the purpose of complying with any state's Any Willing Provider Law or any state's Anti-Steering Law." You stated that J&J had previously understood Accredo to be the only pharmacy with which SaveOn worked, and that this request was aimed at understanding instances in which SaveOn worked with non-Accredo pharmacies.

J&J has been aware for over a year that SaveOn works with pharmacies other than Accredo. The data we produced in May and June 2023 contains the pharmacy for every transaction in which a patient on a SaveOn-advised plan filled a Janssen drug. *See* May 5, 2023 Ltr. from E. Snow to H. Sandick; June 2, 2023 Ltr. from E. Snow to H. Sandick. [REDACTED]

See

Sept. 20, 2023 Ltr. from M. Nelson to C. Deskus at 4. We thus do not agree that

Ian Eppler
August 23, 2024

J&J requires additional discovery to understand why and when SaveOn worked with non-Accredo pharmacies.

J&J's new search term proposal would require SaveOn to review 4,430 documents, which is unduly burdensome given the marginal relevance of this Request. The term-by-term hit counts for J&J's narrowed search term proposal are contained in Appendix 1 to this letter.

Request No. 125. During our meet-and-confer, we stated that we would investigate whether SaveOn possesses any relevant documents responsive to this Request. Based on our investigation, we understand that in the summer of 2023, several biosimilars to Humira, an AbbVie drug, came to market. We understand that the only documents which SaveOn possesses which may be responsive to this Request relate exclusively to Humira, which is not a Janssen drugs, and thus are irrelevant. SaveOn declines to produce them.

Request Nos. 126 and 127. During our meet-and-confer, we asked you to explain the relevance of this Request, which seeks personnel files and employment records for Ayesha Zulqarnain, Alissa Langley, Kelsey Leger, and Jessica Johnson. You stated that the files are relevant because they may contain information about these individuals' participation in alleged efforts to deceive manufacturers. We have reviewed the files and represent that they do not contain any information regarding attempts to deceive or evade detection by manufacturers.¹ SaveOn declines to produce them.

Request Nos. 128 and 129. As we explained in our Responses and Objections and repeated in the parties' meet-and-confer, our position is that all relevant documents responsive to these requests are already being produced. J&J's search term proposal is not tailored to identify relevant material that would not have been identified by existing search terms; it rather assumes that every document related to these the Enterprise Steering Committee and the Monthly Sales Team Discussion is relevant. We disagree. If you believe that there specific relevant topics that these groups may have considered that are not covered by existing search terms, please propose search terms limited to those topics and we will consider them.

¹ During our call, your colleague suggested that these files might nevertheless be relevant because the lack of information about purported evasion could suggest that SaveOn condoned such activities. We disagree.

Ian Eppler
August 23, 2024

We are available to meet and confer.

Sincerely,

/s/ Matthew Nussbaum

Matthew Nussbaum
Associate

Ian Eppler
August 23, 2024

Appendix 1

Terms	Documents with Hits	Documents with Hits + Family	Total Additional Documents to Review
("Specialty Precision" OR "Precision Specialty") W/25 (law OR legis* OR regulat* OR complian* OR ban* OR prohib* OR restri* OR respons* OR respond*)	2,652	6,860	1,900
T(("Any Willing Provider" OR AWP OR "Anti-Steering" OR "Anti-Steer-age") OR (exclusiv* W/3 specialty)) W/25 (law OR legis* OR regulat* OR complian* OR ban* OR prohib* OR restri* OR respons* OR respond*)	5,576	15,402	4,035
<i>Total for both terms</i>	6,189	16,146	4,430

**MOTION TO COMPEL
RFPS 126, 127 & 129**

EXHIBITS 11-17

FILED UNDER PERMANENT SEAL

Exhibit 18

Meredith Nelson
Associate
212.390.9069
mnelson@selendygay.com

Selendy|Gay

August 1, 2024

CONFIDENTIAL

Via E-mail

Julia Long
Patterson Belknap Webb & Tyler LLP
1133 Avenue of the Americas
New York, NY 10036

Re: *Johnson & Johnson Health Care Systems Inc. v. Save On SP, LLC* (Case No. 2:22-cv-02632-JKS-CLW)

Dear Julia,

We write in response to your July 25, 2024 letter regarding SaveOn's search parameters. You requested that SaveOn provide a full list of its search terms, including any date limitations, used to search SaveOn's custodial data. We have provided that list at Appendix 1.

Please provide the list of search terms J&J has run over its custodial files, including date ranges, by August 8.

Sincerely,

/s/ Meredith Nelson

Meredith Nelson Associate

Julia Long
August 1, 2024

Appendix 1: SaveOn's Search Terms¹

I. Standard Search Terms

- **Custodians:** Alissa Langley, Amanda Larsen, Andrea Walker, Ayesha Zulqarnain, Brianna Reed, Claudia Dunbar, CPAQuestions@SaveOnSP.com, Danielle Wagner, Dave Chelus, Emily Reckinger, Florencio Calderon, Jenna Benkelman, Jenna Ordonez, Jennifer Menz, Jill Stearns, Jillian Vincheski, Jody Miller, Laura McClung, Mariah DuRant, Melanie Jerred, Michael Heinrichs, Michelle Tabone, Nick Morrissey, Nicole Haas, Rob Saeli, Ron Krawczyk, Sarah Kancar, Sarah Segerson, Ted Mighells.
- **Time Period:** April 1, 2016 – November 7, 2023
- **Search Terms:**
 - "Adapt" w/15 (copay* OR co-pay* OR OOP OR MOOP OR "out-of-pocket" OR "out of pocket" OR deductible* OR DED OR co-ins* OR coins* OR "patient cost*" OR "cost share" OR "patient obligation*" OR "financial obligation*" OR "final cost")
 - "Affordable Care Act" OR ACA
 - (chang*) w/10 (J&J OR JnJ OR Johnson OR Janssen OR Jannsen OR Jansen OR Jannsseen OR JJHCS OR JHCS OR JJHS OR HCS OR "CarePath" OR "JCP") w/20 (cost*)
 - ((switch* OR consider*) w/10 (drug* OR pharmaceutical* OR medicine* OR medication* OR therap*) w/20 (non-medical OR cheap* OR pric* OR expens* OR profit* OR revenue*)) OR "switch card" OR "switch letter" OR (economic w/4 switching) OR "alternative treatments" OR (transition w/10 (class OR category))
 - (switch* OR consider*) w/10 ("copay assistance program" OR "copay assistance programs" OR CPA OR Abbvie OR Humira OR Amgen OR Enbrel OR J&J OR JnJ OR Johnson OR Janssen OR Jannsen OR Jansen OR Jannsseen OR JJHCS OR JHCS OR JJHS OR HCS OR CPA OR "copay assistance" OR "co-pay assistance" OR "CarePath" OR "JCP") w/20 (nonmedical OR cheap* OR pric* OR expens* OR profit* OR revenue*)

¹ This list does not reflect a number of issues on which the parties are still negotiating, including but not limited to: communications from "Communications@SaveOnSP.com" and expanding the discovery time period for four custodians from August 1, 2015 to April 1, 2016.

Julia Long
August 1, 2024

- (switch* OR chang* OR consider*) w/30 (cost* w/5 (increase* OR rise OR rising OR "go up"))
- "DARZALEX FASPRO" OR DARZALEX OR daratumumab OR hyaluronidase*
- "@express-scripts.com"²
- "First View" AND (credit w/2 card)
- "First View" w/10 card
- "Intergovernmental Personnel Benefit Cooperative" OR IPBC OR (Rachel W/2 Harmon) OR rharmon@expressscripts.com OR ((presentation OR training OR video) W/5 (ESI OR "Express Scripts"))
- "Johnson & Johnson" OR "Johnson and Johnson"
- "Lash Group"
- "open enrollment" OR ((summar* OR term) W/30 (program* OR plan* OR benefit* OR coverage* OR coinsurance OR deductible OR OOP OR "out-of-pocket"))
- "SaveOnSP Program Impacted"
- "Summary of Benefits"
- "Summary Plan"
- "zero cost share" OR "\$0 cost share"
- ("gift card" w/20 (enroll* OR join* OR use OR "sign up" OR regist*)) w/50 (patient* OR member*)
- ("non-med* switch*" OR "nonmed* switch*" OR ((patient OR non-med* OR nonmed*) W/15 switch*))
- ("transfer*" OR reject* OR POS OR "point of sale" OR step edit*) W/15 pharm*) OR "Error Code 73" OR ((drug* OR med* OR fill*) W/15 (cover*))
- ((essential or "non-essential" or nonessential) W/10 (benefit*)) or EHB* OR NEHB*

² For the time-period December 2015 through August 31, 2016.

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- ((patient* OR chang* OR mov* OR switch*) W/30 (new W/5 (drug* OR med* OR brand*)))
- ((SaveOnSP OR SaveOn OR "Save On SP" OR "Save On" OR SOSP) w/15 ("Johnson & Johnson" OR "Johnson and Johnson" OR J&J OR JnJ OR JJHCS OR Janssen) w/5 (revenue OR sales OR profits OR "return on investment" OR "ROI")
- ("don't" OR "not" OR allowed OR never OR permit OR "can't" OR cannot) W/5 (mention OR disclose OR say OR inform* OR divulge) W/15 (SaveOn OR SaveOnSP OR SOSP OR "Save On" OR manufacturer* OR mfgr* OR program)
- (Accredo OR "accredo.com") W/30 (agr* OR contract OR memor* OR fee* OR shar* OR relat*)
- (adher* OR complian* OR comply* OR discontinue*) W/10 (trend* OR rate* or stat*)
- (adherence W/5 trend*)
- (avoid* OR conceal*) AND (co-insurance OR variable OR copay OR "co-pay")
- (Business w/15 plan) OR "Business plan"
- (chang* or edit*) W/25 website
- (copay* OR co-pay* OR coins* OR co-ins* OR "cost share" OR "specialty med*" OR "specialty drug*" OR biolog* OR infus*) W/15 (transfer* OR reduc* OR saving*)
- (copay* OR co-pay* OR coins* OR co-ins* OR "cost share") W/15 (zero OR o OR \$0 OR "no cost" OR "free of charge")
- (copay* OR co-pay* OR coins* OR co-ins* OR "out of pocket" OR OOP OR bucket* OR "ingredient cost") W/30 (infla* OR increase)
- (counter* OR strateg* OR "course correct" OR "bypass" OR respon* OR solution OR solv*) W/25 (manufacturer OR mfgr* OR Biogen OR Abbvie OR Amgen OR Vertex OR Exelixis OR Takeda OR Sanofi OR Novartis)
- (detect* OR evade* OR avoid* OR hide OR conceal*) AND (manufacturer OR mfgr* OR Biogen OR Abbvie OR Amgen OR Vertex OR Exelixis OR Takeda OR Sanofi OR Novartis)

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- (detect* OR evade* OR avoid* OR hide OR conceal*) w/15 manufacturer*
- (detect* OR evade* OR hide OR conceal*) AND (co-insurance OR co-insurance OR variable)
- (ESI OR "Express Scripts" OR Evernorth) W/15 (fee* OR (master W/2 agreement) OR assistance OR "savings card" OR "copay card" OR "co-pay card" OR enroll* OR accumulat* OR maximiz*)
- (exhaust* OR drain* OR complain*) W/15 (co-pay OR copay* OR support* or cover*)
- (High Deductible Health Plan OR HDHP) w/30 (copay* OR co-pay* OR OOP OR MOOP OR "out-of-pocket" OR "out of pocket" OR deductible* OR co-ins* or coins* OR "patient cost*" OR "cost share" OR "patient obligation*" OR "financial obligation*" OR "final cost")
- (inc* W/10 (save* OR saving*)) W/15 (manuf* OR assist*)
- (incl* OR add* OR remov* OR Structure) W/10 (benefit* OR "drug list*")
- (increase* OR raise* or infla*) w/30 (copay* OR co-pay* OR OOP OR MOOP OR "out-of-pocket" OR "out of pocket" OR deductible* OR co-ins* or coins* OR "patient cost*" OR "cost share" OR "patient obligation*" OR "financial obligation*" OR "final cost")
- (manufacturer OR mfgr* OR Biogen OR Abbvie OR Amgen OR Vertex OR Exelixis OR Takeda OR Sanofi OR Novartis) w/25 (maximizer* OR accumulator* OR reduce* OR modif* OR change*)
- (patient* OR member*) W/5 (adher* OR complian* OR comply* OR discontinu*)
- (reduc* OR lower* OR "as low as" OR decreas* OR zero OR "no cost" OR "free of charge" OR "\$0") w/20 (copay* OR co-pay* OR OOP OR "out-of-pocket" OR "out of pocket" OR "patient cost*" OR "final cost")
- (therap* or drug* OR medication) w/15 (adhere* OR continu* OR discontinu*)
- (therap* OR drug* OR medication) w/15 (transition OR "same class" OR "same category")
- @notionpartners.com

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August 1, 2024

- Accredo W/15 (transfer* OR assistance OR "savings card" OR "copay card" OR "co-pay card" OR enroll* OR accumulat* OR maximiz*)
- analy* OR "white paper*" OR "research" OR report* OR publication* OR review* OR article* OR study OR studies W/15 "specialty med*" OR "specialty drug*" OR biolog* OR infus* or accumul* OR maximizer* OR copay* OR co-pay* OR coins* OR co-ins*
- avoid* w/10 coinsurance
- BALVERSA OR erdafitinib
- benchmark* W/10 (plan OR state OR EHB OR essential* OR NEHB or non-essential* OR non-essential*)
- bi-weekly W/2 (call* OR meeting*)
- care W/2 path
- CarePath OR Carpath OR Carepth
- close* W/15 (business OR customer*)
- Cobicistat
- Darunavir
- EDURANT OR rilpivirine
- EJR AND emilyjreckinger@gmail.com
- email W/10 template
- Emtricitabine
- ERLEADA OR apalutamide
- ESI W/10 fees
- FirstView AND (credit w/2 card)
- FirstView w/10 card
- <https://saveonsp.com>
- <https://www.saveonsp.com>* OR www.saveonsp.com* OR "reduce this exorbitant cost" OR "we offer an innovative specialty solution" OR "is committed to making expensive medications more affordable

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for companies" OR "modifying their plan design" OR "how will our plan see savings generated"

- IMBRUVICA OR ibrutinib
- INTELENCE OR etravirine
- its.jnj.com
- J&J OR JnJ
- Janssen OR Jannsen OR Jansen OR Jannssen
- JJHCS OR JHCS OR JJCHS OR JJHS
- manufacturer* W/10 (maximizer* OR accumulator*)
- non-med* switch* OR "nonmed* switch*" OR ((patient OR non-med* OR nonmed*) W/15 switch*) OR "switch rationale" OR "switch card" OR "economic switch*" OR ((force* or mandate*) w/5 switch*)
- OPSUMIT OR macitentan
- Passthrough OR "pass through*" OR "pass thru" OR passthru OR passthru
- PONVORY OR ponesimod
- Premera W/15 (article OR alert* OR news*)
- Prezcobix
- Project Recapture OR "Rescue Study" OR "adherence data"
- questex
- Reject* w/2 73
- REMICADE OR infliximab
- RYBREVANT OR amivantamab*
- SIMPONI OR "SIMPONI ARIA" OR golimumab
- STELARA OR ustekinumab
- strategic steering committee OR "steering committee" OR (strateg* w/10 (monthly OR meet*))

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- strategy plan OR (strategy W/15 plan) OR "monthly plan" OR (monthly W/15 plan) OR "transition plan" OR (growth W/15 plan)
- structure* W/4 (benefit* OR "drug list*")
- Symtuza
- Tenofovir Alafenamide
- TRACLEER OR bosentan
- TREMFYA OR guselkumab
- TrialCard OR "Trial Card"
- UPTRAVI OR selexipag
- Ventavis OR iloprost
- ZYTIGA OR abiraterone

II. Washington Post Terms

- **Custodians:** Alissa Langley, Amanda Larsen, Andrea Walker, Ayesha Zulqarnain, Brianna Reed, Claudia Dunbar, Danielle Wagner, Dave Chelus, Emily Reckinger, Florencio Calderon, Jenna Benkelman, Jenna Ordonez, Jennifer Menz, Jill Stearns, Jillian Vincheski, Jody Miller, Laura McClung, Mariah DuRant, Melanie Jerred, Michael Heinrichs, Michelle Tabone, Nick Morrissey, Nicole Haas, Rob Saeli, Ron Krawczyk, Sarah Kancar, Sarah Segerson, Ted Mighells
- **Time Period:** August 1, 2022 – November 7, 2023
- **Term:**
 - ("Washington Post" OR "the Post" OR WaPo OR "WashPost" OR "washingtonpost.com" OR "Gurwitch") w/50 ("the company" OR SaveOnSP OR SaveOn OR "Save On SP" OR "SaveOn" OR SOSP OR "Express Scripts" OR ESI OR ExpressScripts)

III. Melanie Jerred Terms

- **Custodian:** Melanie Jerred
- **Time Period:** July 1, 2022 – November 7, 2023
- **Terms:**

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- (Premera AND (“drug list” OR list)) W/25 (Janssen OR JJHCS OR Erleada OR Simponi OR Stelara OR Tremfya OR Zytiga)
- (Premera AND (remove or change)) W/25 (Janssen OR JJHCS OR Erleada OR Simponi OR Stelara OR Tremfya OR Zytiga)

IV. Darcie Falsioni Terms

- **Custodian:** Darcie Falsioni
- **Time Period:** April 1, 2016 – November 7, 2023
- **Privilege Limitation:** Search exclusively over Darcie Falsioni’s communications with third parties.
- **Terms:**
 - (PHI OR BAA OR “business associate agreement” OR joinder OR “service agreement” OR contract OR amendment) w/20 (question* OR concern* OR hesitat* OR explain* OR guidance OR discuss* OR deal* OR partner* OR negotiat* OR sell OR sale* OR sold OR pitch* OR complain* OR satisf* OR challeng* OR problem* OR confus* OR troubl* OR comfor*)
 - enrollment* OR onboarding OR implement*
 - “program design” OR “benefit design” OR “program update”
 - “drug list”
 - “Affordable Care Act” OR ACA OR ERISA OR “essential health benefit” OR EHB OR NEHB
 - accumulator OR maximizer
 - “regulation” W/5 (“state” or “copay”)
 - “exception pharmacy”
 - “fully insured” OR “self-funded” OR “qualified health plan” OR HSA OR “health savings account” OR “high deductible health plan” OR “HDHP”
 - “opt out” OR override OR monitor*

V. Johnson & Leger Terms

- **Custodians:** Jessica Johnson & Kelsey Leger

Julia Long
August 1, 2024

- **Time Period:** April 1, 2016 – November 7, 2023

- **Terms:**

- ((don't" OR "not" OR allowed OR never OR permit OR "can't" OR cannot) w/5 (mention OR disclose OR say OR inform* OR divulge)) w/10 (SaveOn OR SaveOnSP OR SOSP OR "Save On" OR manufacturer* OR mfgr*)
- ((two OR 2) w/2 card) AND (solution OR Stelara OR Tremfya)
- (avoid* OR conceal*) w/50 (co-insurance OR variable OR copay OR "co-pay")
- (Biogen OR Abbvie OR Amgen OR Vertex OR Exelixis OR Takeda OR Sanofi) w/15 (reduce* OR modif* OR change*)
- (counter* OR strateg* OR "course correct" OR "bypass" OR respon* OR solution OR solv*) w/15 (manufacturer OR mfgr* OR Biogen OR Abbvie OR Amgen OR Vertex OR Exelixis OR Takeda OR Sanofi)
- (detect* OR evade* OR avoid* OR hide OR conceal*) w/25 (manufacturer OR mfgr* OR Biogen OR Abbvie OR Amgen OR Vertex OR Exelixis OR Takeda OR Sanofi)
- (detect* OR evade* OR avoid* OR hide OR conceal*) w/15 manufacturer*
- (detect* OR evade* OR hide OR conceal*) AND (co-insurance OR co-insurance OR variable)
- (dummy OR fake OR false* OR mock OR lie* OR lying OR truth) w/25 enroll*
- (FirstView OR "First View") AND (credit w/2 card)
- (FirstView OR "First View") w/10 card
- (lie* OR liar* OR lying OR fib* OR misrepresent* OR fake* OR fals* OR "made-up" OR mock OR dummy) w/20 (J&J OR JnJ OR Janssen OR Janssen OR Jannsen OR JJHCS OR JHCS OR JHS OR HCS OR CPA OR "copay assistance" OR "co-pay assistance" OR "CarePath" OR "JCP")
- manufacturer* w/10 (maximizer* OR accumulator*)
- (call* OR contract* OR speak OR spoke OR talk* OR phone* OR chat* OR (obtain* w/2 info*)) w/10 (J&J OR JNJ OR Janssen OR

Julia Long
August 1, 2024

Jannsen OR Jannssen OR JJHCS OR JHCS OR JHS OR HCS OR CPA OR "copay assistance" OR "co-pay assistance" OR CarePath OR "JCP") AND ("lie" OR lied OR liar* OR lying OR "fib" OR misrepresent* OR fake* OR fals* OR "made-up" OR mock OR dummy)

- (manufacturer OR mfgr*) w/15 (maximizer* OR accumulator* OR SaveOn OR SaveOnSP OR SOSP OR "Save On") w/30 (reduce* OR modif* OR chang*)

Exhibit 19

Long, Julia (x2878)

From: Eppler, Ian (x2205)
Sent: Wednesday, July 24, 2024 5:04 PM
To: Matthew Nussbaum; Meredith Nelson; Philippe Selendy; Andrew Dunlap; Elizabeth Snow; Hannah Miles; Wohlforth, E. Evans; Galli, Sabrina M.
Cc: _cg J&J-SaveOn; Mangi, Adeel A. (x2563); Sandick, Harry (x2723); LoBiondo, George (x2008); Long, Julia (x2878); ~jgreenbaum@sillscummis.com; ~klieb@sillscummis.com
Subject: JJHCS v. SaveOnSP (Case No. 2:22-cv-02632-JKS-CLW) // Search Terms for JJHCS's 13th Set of RFPs

Matt,

Thank you for taking the time to meet and confer regarding JJHCS's 13th set of Requests for Production earlier this week. As we discussed during our meeting, we write to provide search terms designed to elicit documents responsive to JJHCS's Request Nos. 124, 128, and 129.

Request	Proposed Term(s)
124	(“Specialty Precision” OR “Precision Specialty”) ((“Any Willing Provider” OR AWP OR “Anti-Steering” OR “Anti-Steerage”) OR (exclusiv* /3 specialty)) w/25 (law OR legis* OR regulat* OR complian* OR ban* OR prohib* OR restri* OR respons* OR respond*))
128	“Enterprise Steering Committee” w/25 (discussion OR meet* OR conversation OR call OR notes OR minutes)
129	(“Monthly Sales” OR (monthly w/10 (ESI or “Express Scripts”))) w/25 (discussion OR meet* OR conversation OR call OR notes OR minutes)

Please provide hit counts associated with these proposed terms.

Best,
Ian

Ian D. Eppler
He | Him | His
Patterson Belknap Webb & Tyler LLP
1133 Avenue of the Americas
New York, NY 10036
Tel.: 212.336.2205
ieppler@pbwt.com

Exhibit 20

Long, Julia (x2878)

From: Matthew Nussbaum <mnussbaum@selendygay.com>
Sent: Tuesday, August 6, 2024 12:48 PM
To: Eppler, Ian (x2205); Meredith Nelson; Philippe Selendy; Andrew Dunlap; Elizabeth Snow; Hannah Miles; Wohlforth, E. Evans; Galli, Sabrina M.
Cc: _cg J&J-SaveOn; Mangi, Adeel A. (x2563); Sandick, Harry (x2723); LoBiondo, George (x2008); Long, Julia (x2878); ~jgreenbaum@sillscummis.com; ~klieb@sillscummis.com
Subject: RE: JJHCS v. SaveOnSP (Case No. 2:22-cv-02632-JKS-CLW) // Search Terms for JJHCS's 13th Set of RFPs

External: Think before you click.

Good afternoon, Ian,

Below, please find the hit counts you requested.

		Term	Total Hits	Totals with Families	Total Additional Documents for SaveOn To Review
1.	4/1/2016 to 11/7/2023	("Specialty Precision" OR "Precision Specialty")	9,884	20,895	6,694
2.	4/1/2016 to 11/7/2023	("Any Willing Provider" OR AWP OR "Anti-Steering" OR "Anti-Steerage") OR (exclusiv* W/3 specialty)) w/25 (law OR legis* OR regulat* OR complian* OR ban* OR prohib* OR restri* OR respons* OR respond*)	5,576	15,402	3,115
3.	4/1/2016 to 11/7/2023	"Enterprise Steering Committee" w/25 (discussion OR meet* OR conversation OR call OR notes OR minutes)	360	1,293	124
4.	4/1/2016 to 11/7/2023	("Monthly Sales" OR (monthly w/10 (ESI or "Express Scripts"))) w/25 (discussion OR meet* OR conversation OR call OR notes OR minutes)	1,749	3,053	927

Thank you,

Matt

Matthew Nussbaum

Associate [[Email](#)]

Selendy Gay PLLC [[Web](#)]

Pronouns: he, him, his

+1 212.390.9062 [O]

+1 856.534.8606 [M]

From: Eppler, Ian (x2205) <ieppler@pbwt.com>

Sent: Monday, August 5, 2024 4:40 PM

To: Matthew Nussbaum <mnussbaum@selendygay.com>; Meredith Nelson <mnelson@selendygay.com>; Philippe Selendy <pselendy@selendygay.com>; Andrew Dunlap <adunlap@selendygay.com>; Elizabeth Snow <esnow@selendygay.com>; Hannah Miles <hmiles@selendygay.com>; Wohlforth, E. Evans <EWohlforth@rc.com>; Galli, Sabrina M. <SGalli@rc.com>
Cc: _cg J&J-SaveOn <JJSaveOn@pbwt.com>; Mangi, Adeel A. (x2563) <aamangi@pbwt.com>; Sandick, Harry (x2723) <hsandick@pbwt.com>; LoBiondo, George (x2008) <globiondo@pbwt.com>; Long, Julia (x2878) <jlong@pbwt.com>; ~jgreenbaum@sillscummis.com <jgreenbaum@sillscummis.com>; ~klieb@sillscummis.com <klieb@sillscummis.com>
Subject: RE: JJHCS v. SaveOnSP (Case No. 2:22-cv-02632-JKS-CLW) // Search Terms for JJHCS's 13th Set of RFPs

Matt,

We asked SaveOnSP to provide hit counts for search terms associated with JJHCS's 13th set of RFPs on July 24, 2024. When does SaveOnSP intend to respond?

Best,

Ian

From: Eppler, Ian (x2205)

Sent: Wednesday, July 24, 2024 5:04 PM

To: 'Matthew Nussbaum' <mnussbaum@selendygay.com>; Meredith Nelson <mnelson@selendygay.com>; Philippe Selendy <pselendy@selendygay.com>; Andrew Dunlap <adunlap@selendygay.com>; Elizabeth Snow <esnow@selendygay.com>; Hannah Miles <hmiles@selendygay.com>; Wohlforth, E. Evans <EWohlforth@rc.com>; Galli, Sabrina M. <SGalli@rc.com>
Cc: _cg J&J-SaveOn <JJSaveOn@pbwt.com>; Mangi, Adeel A. (x2563) <aamangi@pbwt.com>; Sandick, Harry (x2723) <hsandick@pbwt.com>; LoBiondo, George (x2008) <globiondo@pbwt.com>; Long, Julia (x2878) <jlong@pbwt.com>; ~jgreenbaum@sillscummis.com <jgreenbaum@sillscummis.com>; ~klieb@sillscummis.com <klieb@sillscummis.com>
Subject: JJHCS v. SaveOnSP (Case No. 2:22-cv-02632-JKS-CLW) // Search Terms for JJHCS's 13th Set of RFPs

Matt,

Thank you for taking the time to meet and confer regarding JJHCS's 13th set of Requests for Production earlier this week. As we discussed during our meeting, we write to provide search terms designed to elicit documents responsive to JJHCS's Request Nos. 124, 128, and 129.

Request	Proposed Term(s)
124	(“Specialty Precision” OR “Precision Specialty”) ((“Any Willing Provider” OR AWP OR “Anti-Steering” OR “Anti-Steerage”) OR (exclusiv* /3 specialty)) w/25 (law OR legis* OR regulat* OR complian* OR ban* OR prohib* OR restri* OR respons* OR respond*)

128	"Enterprise Steering Committee" w/25 (discussion OR meet* OR conversation OR call OR notes OR minutes)
129	("Monthly Sales" OR (monthly w/10 (ESI or "Express Scripts"))) w/25 (discussion OR meet* OR conversation OR call OR notes OR minutes)

Please provide hit counts associated with these proposed terms.

Best,
Ian

Ian D. Eppler
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New York, NY 10036
Tel.: 212.336.2205
ieppler@pbwt.com

Privileged/Confidential Information may be contained in this message. If you are not the addressee indicated in this message (or responsible for delivery of the message to such person), you may not copy or deliver this message to anyone. In such case, you should destroy this message and kindly notify the sender by reply email. Please advise immediately if you or your employer do not consent to receiving email messages of this kind.
